

REMARKS

I. STATUS OF THE CLAIMS

Claims 1 and 2 are rejected and are pending in this application. Claims 3 and 4 are added. No new matter is added. Claims 1-4 are pending and under consideration.

II. THE CURRENT OFFICE ACTION IS NOT A FINAL REJECTION

Applicants' representative called Examiner Smith on July 16, 2007 and pointed out that the finality of the Office Action mailed on June 18, 2007 is improper for the following reasons:

1. the outstanding Office Action is the first Office Action after filing an RCE and amending the claims;
2. the outstanding Office Action rejects the claims based on a new ground of rejection as admitted in the "Response to Arguments" section of the Office Action; and
3. the outstanding Office Action rejects the claims by applying a newly cited reference in the final Office Action, and Applicants should be provided the opportunity to present patentability arguments and amendments in view thereof.

The Examiner confirmed that the Office Action should not have been "final" (it was in fact a clerical error) and on July 30, 2007 issued an Interview Summary (which is also posted on PAIR-USPTO) confirming that the Office Action mailed on June 18, 2007 is not a final Office Action.

III. REJECTION OF CLAIMS 1 AND 2 UNDER 35 U.S.C. §112

Claims 1 and 2 are rejected under 35 U.S.C. §112, second paragraph, because the language added to claim 1 on April 4, 2007, is interpreted as meaning "patent terminal disposed independently." Applicants respectfully direct the Examiner's attention to the fact that a comma separates the word "disposed" and the word "independently" in claim 1. Therefore, the phrases located before and after the comma should be read separately. The language added to claim 1 on April 4, 2007, "independently from the patient terminals" (the phrase after the comma) was related to "illuminating a room" and not to "in which the patient terminals are **disposed**" (the phrase before the comma). In fact, the Examiner himself appears to understand the claim language, since in lines 13-15 on page 3 of the outstanding Office Action he states "Kondo et al.

do not disclose a light source installed on the patient terminals which are **independent light sources from the patient terminals**" (emphasis ours).

In order to remove any possible confusion in the matter, Applicants further amend claim 1 herewith, to recite "illuminating a room in which the patient terminals are disposed, the room illuminating light illuminating the room independently from the patient terminals." In view of the amended language and the above explanation, Applicants respectfully request the rejection under 35 U.S.C. §112 to be withdrawn.

IV. REJECTION OF CLAIMS 1 AND 2 UNDER 35 U.S.C. §103

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,586,254 to Kondo et al. (hereinafter "Kondo") in view of U.S. Patent No. 5,379,201 to Friedman ("Friedman").

Applicants respectfully submit that Kondo and Friedman, alone or in combination, fail to teach or suggest at least "said center terminal is provided with a light turn-on operating means for turning on the room illumination light installed on the patient terminals" as recited in claim 1¹. Additionally, Applicants respectfully submit that the Examiner failed to provide any reason for combining the teachings of Kondo and Friedman². Therefore, Applicants respectfully traverse, and request reconsideration of this rejection based on Kondo and Friedman.

Claim 2 is also patentable by inheriting patentable features from independent claim 1 and by reciting additional patentable features. Specifically Kondo and Friedman fail to teach or suggest that

(1) "said patient terminals are provided with a light control means for controlling a light quantity and/or an illumination angle of the room illumination light installed on the patient terminals," and that

¹ See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

² See MPEP 2143.01 stating "[o]bviousness can only be established by combining or modifying the teaching of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art," (citations omitted). See also MPEP 2144.08 III stating that "[e]xplicit findings on motivation or suggestion to select the claimed invention should also be articulated in order to support a 35 U.S.C. 103 ground of rejection. . . . Conclusory statements of similarity or motivation, without any articulated rational or evidentiary support, do not constitute sufficient factual findings."

(2) "said center terminal is provided with a light control operation means for giving an instruction as to a control of a light quantity and/or an illumination angle of the room illumination light installed on the patient terminals," as recited in claim 2.

V. NEW CLAIM 3 AND 4

New claims 3 and 4 are directed to a home care system, and are fully supported by the originally filed specification and claims, for example, FIGS. 1 and 13 and their respective descriptions. Claim 3 is patentable at least by reciting that the "center terminal [has] a light turn-on operating unit" and the "room illuminating units [are] turned-on by the light turn-on operating unit."

Claim 4 is patentable by inheriting patentable features from independent claim 3 and by reciting that the home care system also includes "light control units to control a light quantity and/or an illumination angle of each corresponding one of the room illumination lights," and "a light control operation unit located in said center terminal, to provide the light quantity and/or the illumination angle of the corresponding one of the room illumination lights to each of the light control units."

CONCLUSION:

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore defines allowable subject matter. A prompt favorable reconsideration is respectfully requested.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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